

# EXHIBIT A

FILED  
07 JUN -3 PM 2:29  
CLERK OF COURT  
JUDICIAL BRANCH

**IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA**

ERIC REINSTADTLER, an individual,

CIVIL DIVISION

Plaintiff,

No:

GD-07-95

v.

**COMPLAINT**

BAYONE URETHANE SYSTEMS LLC,  
BAYER MATERIALSCIENCE LLC,  
POLYONE CORPORATION, an Ohio  
Corporation, GREGORY S. BABE, an  
individual, SCOTT G. BROWN, an  
individual, JERRY MACCLEARY, an  
individual, BARRY A. PHILLIPS, an  
individual, GARY RECK, an individual,  
SUSANNA WAYT, an individual,  
STEPHEN D. NEWLIN, an individual,  
FARAH M. WALTERS, an individual, J.  
DOUGLAS CAMPBELL, an individual,

Filed on behalf of:

Plaintiffs

Counsel of Record for this Party:

Anthony C. Mengine, Esquire  
Pa ID # 63209

Chiurazzi and Mengine, LLC  
Firm ID# 818  
Allegheny Building, Suite 1000  
429 Forbes Avenue  
Pittsburgh, PA 15219

Defendants.

(412) 434-0773

(12)

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**IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA**

ERIC REINSTADTLER, an individual,

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individual, GARY RECK, an individual,  
SUSANNA WAYT, an individual,  
STEPHEN D. NEWLIN, an individual,  
FARAH M. WALTERS, an individual, J.  
DOUGLAS CAMPBELL, an individual,

Defendants.

**NOTICE TO DEFEND**

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after the Complaint and Notice are served by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THEIR PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR PHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

THEIR OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THEIR OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEAL SERVICE TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

**ALLEGHENY COUNTY LAWYER REFERRAL SERVICE**

The Allegheny County Bar Association  
920 City-County Building  
Pittsburgh, PA 15219  
(412) 261-0518

**IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA**

ERIC REINSTADTLER, an individual,

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Plaintiff,

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BAYER MATERIALSCIENCE LLC,  
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Corporation, GREGORY S. BABE, an  
individual, SCOTT G. BROWN, an  
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individual, GARY RECK, an individual,  
SUSANNA WAYT, an individual,  
STEPHEN D. NEWLIN, an individual,  
FARAH M. WALTERS, an individual, J.  
DOUGLAS CAMPBELL, an individual,

Defendants.

**COMPLAINT**

AND NOW comes the Plaintiff, Eric Reinstadtler, by and through his attorneys Chiurazzi and Mengine, LLC, and Anthony C. Mengine, Esquire, and files the following Complaint and states as follows:

1. Plaintiff Eric Reinstadtler is an adult individual who resides at 159 Cedar Ridge Drive, Monaca, Beaver County, Pennsylvania.
2. Defendant BayOne Urethane Systems, LLC, is a joint venture with a principal place of business located at 2700 Papin Stree, St. Louis, MO 63103.
3. Defendant Bayer MaterialScience LLC and Defendant PolyOne Corporation are the parent organizations of Defendant BayOne.

4. Defendant Bayer MaterialScience, LLC is a member of the worldwide Bayer Group based in Leverkusen, Germany, with its United States headquarters located at 100 Bayer Road, Pittsburgh, PA, 15205.

5. Defendant Gregory S. Babe is President and CEO of Bayer MaterialScience LLC, and has an office located at 100 Bayer Road, Pittsburgh, PA, 15205. As head of the NAFTA Region for Bayer MaterialScience, Mr. Babe is responsible for the North American activities of Bayer MaterialScience.

6. Defendant Scott G. Brown is Vice President, General Counsel and Secretary for Bayer MaterialScience LLC. He is responsible for the Law, Patents and Licensing Department, and has an office located at 100 Bayer Road, Pittsburgh, PA, 15205.

7. Defendant Jerry MacCleary is Senior Vice President, Head, Polyurethanes North America Marketing and Business Development, and has an office located at 100 Bayer Road, Pittsburgh, PA, 15205. He is responsible for the North American Polyurethanes marketing and business development activities of Bayer MaterialScience, and is a member of the Board of BayOne.

8. Defendant Barry A. Phillips is Head of Site Management Americas, NAFTA HSEQ and Future Business, and has an office located at 100 Bayer Road, Pittsburgh, PA, 15205.

9. Defendant Gary Reck is Vice President, Human Resources Strategy, for Bayer MaterialScience LLC, has an office located at 100 Bayer Road, Pittsburgh, PA, 15205. In this position, along with other strategic projects, he is responsible for the Transforming Human Resources Project in the Americas.

10. Defendant Susanna Wayt is Vice President, Human Resources, Americas, for Bayer MaterialScience LLC.

11. Defendant PolyOne Corporation is an Ohio Corporation with a principle place of business at 33587 Walker Road, Avon Lake, Ohio, 44012.

12. Defendant Stephen D. Newlin is President and Chief Executive Officer of Polyone, and has an office located at 33587 Walker Road, Avon Lake, Ohio, 44012.

13. Defendant Farah M. Walters is the Chairperson of the Compensation and Governance Committee of Polyone Corporation's Board of Directors, and has an office located at 33587 Walker Road, Avon Lake, Ohio, 44012.

14. Defendant J. Douglas Campbell is the Chairperson of the Financial Policy Committee of Polyone Corporation's Board of Directors, and has an office located at 33587 Walker Road, Avon Lake, Ohio, 44012.

15. Plaintiff Eric Reinstadtler was hired more than 18 years ago by Bayer. After 18 years of continuous employment by Bayer, Plaintiff's position was "Senior Technical Marketing Representative."

16. During each of his 18 years of employment by Bayer, Plaintiff received a bonus of approximately \$15,000.00 per year.

17. In 2004, Plaintiff was asked to join BayOne, a subsidiary of his then employer, Bayer.

18. Plaintiff was hesitant to accept the transfer, but after receiving multiple reassurances that he would not lose any of his accrued benefits, he agreed to join BayOne in the position of "Senior Technical Account Manager".

19. BayOne issues a standard employee Handbook detailing the general business practices and rights of its employees. Plaintiff was given a copy of The Employee Handbook dated January 1, 2004. The Employee Handbook is attached as Exhibit A.

20. The handbook includes "Severance Benefits" equal to two weeks of base pay for each year of combined service, up to a maximum of 52 weeks base pay. Combined service is defined as including years spent with Bayer or PolyOne combined with BayOne years of service. (The Employee Handbook, page 55.)

21. Plaintiff continued in his position with BayOne until November 29, 2005.

22. One November 29, 2005, Plaintiff was terminated by BayOne.

23. At the time of termination, Plaintiff's yearly salary was approximately \$79,467.00.

24. At the time of his termination, Plaintiff had earned and accrued 36 weeks of Severance Benefits according to the policy of Defendant BayOne then in effect.

25. At the time of his termination, Plaintiff further had earned a bonus of approximately \$15,000.00, according to the policy of Defendant BayOne then in effect, as well as the reassurances of BayOne's agents that had induced his transfer from Bayer to BayOne.

#### **COUNT I**

**ERIC REINSTADTLER**

**v.**

**BAYONE URETHANE SYSTEMS LLC, BAYER MATERIALSCIENCE LLC,  
POLYONE CORPORATION, GREGORY S. BABE, SCOTT G. BROWN, JERRY  
MACCLEARY, BARRY A. PHILLIPS, GARY RECK, SUSANNA WAYT, STEPHEN D.  
NEWLIN, FARAH M. WALTERS, and J. DOUGLAS CAMPBELL**

#### **WAGE PAYMENT AND COLLECTION LAW**

26. Paragraphs 1- 25 are incorporated herein by reference as though fully set forth herein at length.

27. At all times relevant to this action, each of the defendants was an "employer" as defined under the Wage Payment and Collection Law, 43 P.S. §260.2(a).

28. The Defendants, at all relevant times hereto, acted through their agents and employees acting in the course and scope of their employment.

29. Plaintiff has made repeated attempts to collect the wages and commissions that are rightfully owed to him. Various agents and employees of BayOne have refused, and continue to refuse payment.

30. More than thirty days have elapsed since the regular pay day after Plaintiff's termination.

31. The unpaid severance pay and commissions are fringe benefits due to Plaintiff as wages under the Pennsylvania Wage Payment and Collection Law.

32. All wages and commissions as defined above remain due and payable. As a result of the unlawful refusal of Defendants to pay the plaintiff the aforesaid wages and commissions, he has suffered the following damages, and under the Wage Payment and Collection Law is entitled to the following:

- |    |   |                         |
|----|---|-------------------------|
| a. | Wages and commissions owed: severance pay | to be determined        |
| b. | Wages and commissions owed: yearly bonus  | \$15,000.00             |
| c. | Liquidated damages by statute             | \$11,762.42             |
| d. | Attorney's fees                           | <u>to be determined</u> |

**COUNT II**  
**ERIC REINSTADTLER**  
**v.**  
**BAYONE URETHANE SYSTEMS LLC, BAYER MATERIALSCIENCE LLC,**  
**POLYONE CORPORATION**  
**BREACH OF CONTRACT**

33. All preceding paragraphs are incorporated herein by reference as though fully set forth herein at length.

34. As specified in Exhibit A, BayOne Urethane Systems LLC agreed to pay Mr. Reinstadtler "Severance Benefits" equal to two weeks of base pay for each year of combined service, up to a maximum of 52 weeks base pay. Combined service is defined as including years spent with Bayer or PolyOne combined with BayOne years of service. (The Employee Handbook, page 55.)

35. Mr. Reinstadtler was employed by Bayer or BayOne continuously from 1987 until his termination on November 29, 2005. The value of the Severance Pay to which Mr.



Reinstadtler is entitled is \$32,049.69 (thirty-two thousand forty-nine dollars and sixty nine cents).

36. Mr. Reinstadtler has performed all of the duties assigned to him pursuant to the Employee Handbook.

37. The terms of the contract identified as Exhibit A is binding upon BayOne.


38. BayOne has failed to pay the aforesaid amounts in breach of the contract identified as Exhibit A.

41. As a result of the Defendants' breach of the aforesaid legally binding promises, Mr. Reinstadtler has suffered the following damages:

- a. Non-receipt of Severance Pay due to him in the amount of \$32,049.69;
- b. Attorney's fees, costs and expenses related to this action; and
- c. All applicable interest.

WHEREFORE, the plaintiff claims damages from defendants as set forth above, in an amount in excess of \$25,000.00.

Respectfully Submitted,  
Chiurazzi and Mengine, LLC

  
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Anthony C. Mengine, Esquire  
Counsel for the Plaintiff

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

ERIC REINSTADTLER, an individual,

CIVIL DIVISION

Plaintiff,

No: GD-07-95

v.

**ACCEPTANCE OF SERVICE**

BAYONE URETHANE SYSTEMS LLC,  
BAYER MATERIALSCIENCE LLC,  
POLYONE CORPORATION, an Ohio  
Corporation, GREGORY S. BABE, an  
individual, SCOTT G. BROWN, an  
individual, JERRY MACCLEARY, an  
individual, BARRY A. PHILLIPS, an  
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SUSANNA WAYT, an individual,  
STEPHEN D. NEWLIN, an individual,  
FARAH M. WALTERS, an individual, J.  
DOUGLAS CAMPBELL, an individual,

Defendants.

Filed on behalf of:

Plaintiffs

Counsel of Record for this Party:

Anthony C. Mengine, Esquire  
Pa ID # 63209

Chiurazzi and Mengine, LLC  
Firm ID# 818  
Allegheny Building, Suite 1000  
429 Forbes Avenue  
Pittsburgh, PA 15219

(412) 434-0773

# EXHIBIT B

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

ERIC REINSTADTLER, an individual,

CIVIL DIVISION

Plaintiff,

No: GD-07-95

v.

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BAYER MATERIALSCIENCE LLC,  
POLYONE CORPORATION, an Ohio  
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STEPHEN D. NEWLIN, an individual,  
FARAH M. WALTERS, an individual, J.  
DOUGLAS CAMPBELL, an individual,

Defendants.

**ACCEPTANCE OF SERVICE**

The undersigned John J. Myers, Esquire, counsel for Bayer Material Science, LLC and Defendant Gregory S. Babe, Defendant Scott G. Brown, Defendant Jerry MacCleary, Defendant Barry A. Phillips, Defendant Gary Reck, Defendant Susanna Wayt, named in the Complaint in Civil Action, pursuant to the Pennsylvania Rules of Civil Procedure, does hereby accept service of a true and correct copy of the Complaint in Civil Action filed by Plaintiff, thereby acknowledging personal service, and certifies that he is authorized to accept this service.

Date: 1/16/07

s/John J. Myers  
John J. Myers, Esquire

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Acceptance of Service has been mailed by first class, U.S. mail, postage prepaid, this 17<sup>th</sup> day of January, 2007 to the following:

John J. Myers, Esquire  
Eckerd, Seamans, Cherin & Mellot, LLC  
US Steel Tower  
600 Grant Street, 44<sup>th</sup> Floor  
Pittsburgh, PA 15219

Chiurazzi and Mengine, LLC

By s/Anthony C. Mengine  
Anthony C. Mengine, Esquire  
Counsel for Plaintiff, Eric Reinstadtler

# EXHIBIT C

**IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA**

ERIC REINSTADTLER, an individual,

Plaintiff,

v.

BAYONE URETHANE SYSTEMS LLC,  
BAYER MATERIALSCIENCE LLC,  
POLYONE CORPORATION, an Ohio  
Corporation, GREGORY S. BABE, an  
individual, SCOTT G. BROWN, an  
individual, JERRY MACCLEARY, an  
individual, BARRY A. PHILLIPS, an  
individual, GARY RECK, an individual,  
SUSANNA WAYT, an individual,  
STEPHEN D. NEWLIN, an individual,  
FARAH M. WALTERS, an individual, J.  
DOUGLAS CAMPBELL, an individual,

Defendants.

CIVIL DIVISION

No: GD-07-95



**PRAECIPE TO REINSTATE  
COMPLAINT**

Filed on behalf of:

Plaintiffs

Counsel of Record for this Party:

Anthony C. Mengine, Esquire  
Pa ID # 63209

Chiurazzi and Mengine, LLC  
Firm ID# 818  
Allegheny Building, Suite 1000  
429 Forbes Avenue  
Pittsburgh, PA 15219

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CLERK OF COURT  
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CIVIL DIVISION

Plaintiff,

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BAYER MATERIALSCIENCE LLC,  
POLYONE CORPORATION, an Ohio  
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individual, BARRY A. PHILLIPS, an  
individual, GARY RECK, an individual,  
SUSANNA WAYT, an individual,  
STEPHEN D. NEWLIN, an individual,  
FARAH M. WALTERS, an individual, J.  
DOUGLAS CAMPBELL, an individual,

Defendants.

**PRAECIPE TO REINSTATE COMPLAINT**

TO: PROTHONOTARY

Kindly reinstate the Complaint in the above-captioned matter.

Respectfully Submitted,

Chiurazzi and Mengine, LLC



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Anthony C. Mengine, Esquire  
Counsel for the Plaintiff